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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

MOROCCO

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Morocco on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.20) at its 70th, 71st and 72nd meetings, held on 22 and 23 November 2000, and adopted, at its 82nd meeting, held on 30 November 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of Morocco, prepared in general in conformity with the revised reporting guidelines established by the Committee, and welcomes the written replies to its list of issues.

3. The Committee appreciates the candid and constructive dialogue with the delegation, which consisted of experts in the field, and its readiness to reply to additional questions and to furnish additional information whenever available. The Committee, however, regrets that the delegation was unable to provide an adequate response, in particular statistical information, to some specific questions in the list of issues, as well as to follow-up questions during the dialogue. The Committee notes the State party's indication that replies to the questions which were not adequately answered during the dialogue would be made available as early as possible.

B. Positive aspects

4. The Committee welcomes the initiative taken by King Mohammed VI and his new Government to further the development of a human rights culture in Morocco and notes with satisfaction the establishment of the Ministry for Human Rights. In addition, the Committee welcomes the efforts of the State party to implement its obligations under international human rights instruments in general, and under the International Covenant on Economic, Social and Cultural Rights in particular.

5. The Committee notes with satisfaction the establishment of a national human rights institution and the intention of the State party to set up an Office of a National Ombudsman.

6. The Committee appreciates that, following the Beijing Fourth World Conference on Women, the State party introduced a national strategy for the advancement of women in 1997, and that an Action Plan for Integrating Women into Development has been adopted.

7. The Committee notes with satisfaction the efforts by the State party with respect to the information campaign to disseminate information on international human rights instruments among the judiciary.

8. The Committee notes with interest the efforts being made by the State party to deal with the debt burden, such as bilateral debt conversions with certain donor countries.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee notes that the persistence of traditional practices and attitudes, deeply entrenched in Moroccan society, with regard to women and children hamper the ability of the State party to protect and promote their economic, social and cultural rights.

10. The Committee also notes the difficulties faced by the State party in complying with its debt servicing obligations which take up a considerable percentage of gross national product, thus impeding the State party's ability to comply with its obligations under the Covenant.

D. Principal subjects of concern

11. The Committee expresses its concern that the State party has not provided any information on the measures taken by the State party with regard to the suggestions and recommendations made by the Committee on Morocco's initial report in 1994 (see E/C.12/1994/5), nor on the results of these measures. Many of the issues referred to in the concluding observations of 1994 remain subjects of concern in the present concluding observations.

12. The Committee is concerned that no legislative, judicial and administrative measures have yet been adopted by the State party to give effect to many of the provisions of the Covenant.

13. With regard to the situation in the Western Sahara, the Committee regrets that there has not been a definite solution to the question of self-determination.

14. The Committee is concerned that the State party has not yet formulated a comprehensive plan of action on human rights in accordance with paragraph 71 of the 1993 Vienna Declaration and Programme of Action.

15. The Committee regrets that the State party does not take its obligations under the Covenant into consideration in its negotiations with international financial institutions.

16. Despite the measures taken by the State party to advance the status of women in Moroccan society, the Committee is concerned that there are still persisting patterns of discrimination against women in national legislation, particularly in family and personal status law, as well as inheritance law.

17. The Committee regrets the continuing delays with regard to the adoption of a new labour code, aiming at the unification of existing labour legislation, which was already referred to by the Committee in its concluding observations of 1994. Moreover, the Committee is concerned that certain issues contained in the draft labour code, such as the minimum age for labour and conditions of child labour, are not in conformity with the relevant ILO Conventions (Nos. 138 and 182 respectively), which the State party has not yet ratified.

18. The Committee expresses its concern that the minimum wage in Morocco is not sufficient to allow workers to maintain an adequate standard of living for themselves and their families. Moreover, no adequate reason was given for the considerable discrepancy between the minimum wage of industrial workers and that of agricultural workers.

19. The Committee is concerned that the State party did not provide sufficient information regarding (a) the number of accidents, including those causing serious injury or death, occurring in the workplace and (b) the legislative and administrative measures in place to prevent the occurrence of such accidents.

20. The Committee expresses its concern that the State party does not provide for appropriately severe and enforceable penalties to ensure that employers, especially in the handicraft and light industries, are prevented from resorting to child labour under the legal minimum working age.

21. The Committee is also concerned that there is no legislation in place which affords protection to those who are employed as domestic workers, especially young girls, who are ill-treated and exploited by their employers.

22. The Committee is concerned about the continuing restrictions on the right to strike as laid down in article 8 of the Covenant, particularly under article 288 of the State party's Penal Code. The Committee regrets that the State party has not yet ratified ILO Convention No. 87 on the freedom of association and protection of the right to organize.

23. The Committee notes with concern the persistent discrimination against children born out of wedlock, who are frequently abandoned by their parents, and their lack of legal protection with regard to personal status and family law.

24. The Committee is concerned about the large number of children who live in the streets, of whom 22 per cent are under the age of five.

25. The Committee expresses its concern about the high percentage of people living below the poverty line in Morocco, especially in rural areas.

26. The Committee is concerned about the disparities in the standard of living between rural and urban areas, insofar as the former have considerably less access to clean drinking water, sanitary facilities and electricity.

27. The Committee also expresses its concern about the lack of affordable social housing in Morocco. In addition, the Committee regrets that the State party has not provided adequate information, including statistical data, on the incidence of homelessness and forced eviction, taking into account the Committee's General Comment No. 7 on forced evictions.

28. The Committee regrets that the State party has not adopted a national strategy and action plan on health, and that health coverage provided by the State party does not cover more than 20 per cent of the population. Moreover, the Committee is concerned that access to primary health care in rural areas is even more limited, in comparison to the urban areas.

29. The Committee expresses its concern about the high rate of maternal and infant mortality in Morocco.

30. The Committee is concerned that the State party does not exercise sufficient control, by means of legislative and administrative measures, over factories manufacturing foodstuffs which do not conform to international standards and cause death or constitute a health hazard to the population of Morocco.

31. The Committee expresses its concern about the high rate of illiteracy in the State party, especially among women in rural areas.

32. The Committee is deeply concerned about the low level of primary school attendance. Currently less than 50 per cent of children of both sexes are being regularly educated. In addition, the Committee is also concerned that the access of young girls to education is considerably more limited, particularly in the rural areas, which accounts for the fact that the adult illiteracy rate is 65 per cent for women, as against 40 per cent for men.

33. The Committee regrets that the State party has not provided adequate information on the enjoyment of the right of minorities, such as the Amazigh people, to participate in cultural life in Morocco.

E. Suggestions and recommendations

34. The Committee urges the State party to adopt legislative and other measures to give effect to all the provisions of the Covenant.

35. The Committee encourages the State party to seek a solution, in cooperation with the United Nations, to the problems impeding the realization of the referendum on the issue of self-determination in Western Sahara.

36. The State party is urged to formulate and implement a comprehensive national plan of action for the protection and promotion of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action of 1993, and to include information on this matter in the next periodic report.

37. The Committee encourages the State party to ensure that the Office of the National Ombudsman, which is to be established shortly, functions in conformity with the Paris Principles of 1991. The Committee looks forward to receiving information on the results of these efforts in the next periodic report.

38. The Committee strongly recommends that Morocco's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, like the International Monetary Fund, the World Bank and the World Trade Organization, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups of society, are not undermined.

39. The Committee reiterates its recommendation in paragraph 19 of its concluding observations of 1994 (E/C.12/1994/5), that the State party needs to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected by structural adjustment programmes.

40. The Committee strongly recommends that the State party proceed as expeditiously as possible with the adoption and full implementation of the Action Plan for Integrating Women into Development. In particular, the Committee urges the State party to amend existing legislation that institutionalizes discrimination against women, such as provisions of family, inheritance and personal status law, with a view to strengthening the legal status of women.

41. The Committee urges the State party to adopt the draft labour code and to ensure that the provisions thereof are in conformity with articles 6, 7 and 8 of the Covenant, as well as with the relevant ILO conventions to which Morocco is party. In this regard, the State party is strongly encouraged to ratify ILO Conventions Nos. 87 (on trade unions), 138 (on minimum age), 169 (on indigenous and tribal peoples) and 12 (on the worst forms of child labour).

42. The Committee recommends that the State party undertake measures to eliminate the existing significant disparity in the minimum wage afforded to the various categories of workers, particularly industrial and agricultural workers. In addition, the Committee strongly recommends that the minimum wage be established at a level that will better ensure an adequate standard of living for workers and their families, in accordance with article 7 of the Covenant.

43. The Committee requests the State party to provide in its next periodic report detailed information regarding (a) the incidence of accidents in the workplace and (b) all the measures taken by the State party to prevent their occurrence.

44. The Committee urges the State party to take remedial action, including the imposition of appropriately severe penalties, in order to ensure that employers, especially in the handicraft and light industries, are prevented from resorting to child labour under the legal minimum working age. In addition, the Committee urges that the State party raise the minimum working age from 12 to 15 years, in accordance with ILO standards (Convention No. 138).

45. The Committee also urges the State party to adopt legislation immediately in order to protect minors who are employed as domestic workers, especially young girls, from being exploited by their employers.

46. The Committee recommends that the State party undertake measures to eliminate excessive restrictions on the right to strike, in particular article 288 of the State party's Penal Code, which criminalizes certain forms of strike.

47. The Committee reiterates its recommendation in paragraph 23 of its concluding observations of 1994 (E/C.12/1994/5) that the State party take legislative and other measures to eliminate discrimination and ensure effective protection against discrimination with regard to children born out of wedlock.

48. The Committee also strongly recommends that the State party address the problem of street children and children born out of wedlock who are abandoned by their parents.

49. The Committee urges the State party to intensify its efforts to address the problem of poverty, especially in the rural areas.

50. The Committee reiterates the recommendation it made in 1994 (E/C.12/1994/5, para. 18), which strongly encourages the State party to take measures to reduce the disparities that exist between the rural and urban areas, inter alia, by improving access to water, electricity and sanitary facilities in the rural areas.

51. The Committee recommends that the State party intensify its efforts to improve the housing situation in Morocco, particularly by providing affordable social housing. The Committee also requests that the State party provide, in its next periodic report, detailed information, including statistical data, on the incidence of homelessness and forced eviction in Morocco, on the measures taken by the State party to address these issues, as well as on the results of these measures.

52. The Committee also recommends that the State party adopt a national strategy and action plan on health which will increase the health coverage provided by the State party, in particular with regard to the rural areas.

53. The Committee urges the State party to take all necessary measures in order to address the problem of the high rate of maternal and infant mortality in Morocco.

54. The Committee also urges the State party to take the appropriate legislative and administrative measures to ensure that sufficient control is exercised on factories manufacturing foodstuffs so that the products manufactured conform to international standards and do not constitute any health hazard.

55. The Committee strongly urges the State party to ensure access to free and compulsory primary education for all, especially for women and girl children, and particularly in the rural areas, taking into consideration the Committee's General Comments Nos. 11 and 13 on the right to education, including primary education. In addition, the Committee requests that information be included in the next periodic report on government subsidies to private higher education and on education programmes for nomadic peoples, on measures taken by the State party in this respect and on the results of these measures.

56. The Committee urges the State party to take remedial action to address the persistent problem of the high rate of illiteracy, particularly among women in rural areas.

57. The Committee requests more detailed information, including statistical data, on the enjoyment of the rights contained in the Covenant by the Amazigh people, including their right to participate in cultural life in Moroccan society, as well as to use their own language.

58. The Committee strongly recommends that the State party avail itself of technical assistance offered by the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes in its efforts to realize economic social and cultural rights, in compliance with its international legal obligations under the Covenant.

59. The Committee has decided that the third periodic report of Morocco is to be submitted by 30 June 2004, and that it should include information on the steps undertaken by the State party with regard to the suggestions and recommendations contained in the present concluding observations.

60. The Committee requests the State party to disseminate the concluding observations as widely as possible among its citizens at all levels of society.